IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

FIRST NATIONAL INSURANCE	§	
COMPANY OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
V.	§	Case No. 4:11cv173
	§	(Judge Clark/Judge Mazzant)
BLUE RIDGE CONSTRUCTION CO.,	§	
LTD., TRACY W. DALTON, LORIE K.	§	
DALTON, and HARVEY L. DALTON,	§	
	§	
Defendants.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 16, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the Motion for Default Judgment Against Defendant Blue Ridge Construction Co., Ltd. [Doc. #46] be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that the Motion for Default Judgment Against Defendant Blue Ridge Construction Co., Ltd. [Doc. #46] is GRANTED.

It is further **ORDERED** that:

1. First National is entitled to recover from Defendant Blue Ridge Construction Co., Ltd.

for breach of contract in the amount of \$519,173.30, plus interest at the rate of five percent per annum.

2. First National is entitled to recover from Defendant Blue Ridge Construction Co., Ltd. its reasonable attorney's fees and costs.

All relief not previously granted is hereby **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

So ORDERED and SIGNED this 16 day of August, 2012.

Ron Clark, United States District Judge

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